REMARKS

Reconsideration of the present application is respectfully requested in view of the following remarks. Claims 2, 9, and 10-12 where amended. Claims 1-12 are pending.

I. Allowable Subject Matter

Examiner allowed claim 1 and found that claims 9-11 contain allowable subject matter. Applicants thank Examiner for these findings.

Claims 9-11 were amended into an independent format and to include all of the limitations of their respective base claims. Applicants request allowance of claims 9-11.

II. Objection to the Specification

An objection was entered against the specification because it contains blanks for respective application serial numbers for related cases. The specification has been amended to insert the serial numbers, and Applicants respectfully request withdrawal of the pending objection.

III. Rejection of the Claims Under 35 U.S.C. § 112, Second Paragraph

Claim 9 stands rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the Applicants regard as to their invention. Applicants respectfully traverse this rejection.

To advance this claim to allowance, Applicant has amended Claim 9 to clarify the subject matter and request withdrawal of the pending rejection.

IV.   Rejection of the Claims 2, 3, and 12

Claims 2, 3, and 12 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,172,616 ("*Johnson*"). Applicants respectfully traverse this rejection.

Amended Claim 2 is patentably distinguishable over the cited art for at least the reason that it recites, for example, "wherein formatting the packet further comprises formatting the packet according to a protocol wherein the protocol includes at least one of the following: a asynchronous flag field, a health flag field, and a payload field." Amended Claim 12 includes a similar recitation.

In contrast, *Johnson* at least does not disclose the aforementioned recitation. For example, *Johnson* merely discloses that a network service module (NSM)-packet signal transmitted by a NSM transmitter 318 follows a generic or fixed format. (*See* FIG. 3.) Routine reports are transmitted randomly or pseudorandomly in *Johnson* at fixed average intervals, while alarm signals are transmitted immediately following detection of alarm conditions. (*See* col. 8, lines 41-44.) According to *Johnson*, alarm signals may be transmitted several times with random delays. (*See* col. 8, lines 44-45.) This may avoid interference among alarm messages if many alarms occur simultaneously, as in an area-wide power outage. (*See* col. 8, lines 45-47.) In *Johnson*, a protocol including a asynchronous flag field, a health flag field, or a payload is not disclosed. Rather *Johnson* is completely silent to the aforementioned protocol.

Therefore, Applicants respectfully submit that claims 9 (and dependent claim 3) and 12 are patentably distinct from *Johnson* and request withdrawal of the pending rejection.

V.   Rejection of Claims 4-6

Claims 4-6 stand rejected under 35 U.S.C. § 103(a) as being obvious over U.S. Patent No. 6,172,616 ("*Johnson*"). Applicants respectfully traverse this rejection.

Dependent Claims 4-6 are patentably distinguishable over the cited art for at least for the reason that they include, due to their dependency on amended independent Claim 2, "wherein formatting the packet further comprises formatting the packet according to a protocol wherein the protocol includes at least one of the following: a asynchronous flag field, a health flag field, and a payload field."

As stated above, *Johnson* at least does not disclose the aforementioned recitation. For example, *Johnson* merely discloses that a network service module (NSM)-packet signal transmitted by a NSM transmitter 318 follows a generic or fixed format. (*See* FIG. 3.) Routine reports are transmitted randomly or pseudorandomly in *Johnson* at fixed average intervals, while alarm signals are transmitted immediately following detection of alarm conditions. (*See* col. 8, lines 41-44.) According to *Johnson*, alarm signals may be transmitted several times with random delays. (*See* col. 8, lines 44-45.) This may avoid interference among alarm messages if many alarms occur simultaneously, as in an area-wide power outage. (*See* col. 8, lines 45-47.) In *Johnson*, a protocol including a asynchronous flag field, a health flag field, or a payload is not disclosed. Rather *Johnson* is completely silent to the aforementioned protocol.

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Therefore, Applicants respectfully submit that claims 4-6 are patentably distinct from *Johnson* and request withdrawal of the pending rejection.

VI.   Rejection of Claims 7 and 8

Claims 7 and 8 stand rejected under 35 U.S.C. § 103(a) as being obvious over U.S. Patent No. 6,172,616 ("*Johnson*") in view of U. S. Patent No. 6,396,839 ("*Ardalan*"). Applicants respectfully traverse this rejection.

Dependent Claims 7-8 are patentably distinguishable over the cited art for at least for the reason that they include, due to their dependency on amended independent Claim 2, "wherein formatting the packet further comprises formatting the packet according to a protocol wherein the protocol includes at least one of the following: a asynchronous flag field, a health flag field, and a payload field."

As stated above, *Johnson* at least does not disclose the aforementioned recitation. For example, *Johnson* merely discloses that a network service module (NSM)-packet signal transmitted by a NSM transmitter 318 follows a generic or fixed format. (*See* FIG. 3.) Routine reports are transmitted randomly or pseudorandomly in *Johnson* at fixed average intervals, while alarm signals are transmitted immediately following detection of alarm conditions. (*See* col. 8, lines 41-44.) According to *Johnson*, alarm signals may be transmitted several times with random delays. (*See* col. 8, lines 44-45.) This may avoid interference among alarm messages if many alarms occur simultaneously, as in an area-wide power outage. (*See* col. 8, lines 45-47.) In *Johnson*, a protocol including a asynchronous flag field, a health flag field, or a payload is not disclosed. Rather *Johnson* is completely silent to the aforementioned protocol.

Furthermore, *Ardalan* does not overcome *Johnson's* deficiencies. *Ardalan* merely teaches a remote access to electronic meters using a TCP/IP protocol suite. Like *Johnson*, *Ardalan* at least does not teach or suggest a protocol including a asynchronous flag field, a health flag field, or a payload is not disclosed.

Therefore, Applicants respectfully submit that no combination of *Johnson* and *Ardalan* will result in the combination of elements set forth in claims 7 and 8. Applicants request withdrawal of the pending rejection.

VII.   Conclusion

In view of the foregoing remarks, Applicants respectfully request the reconsideration and reexamination of this application and the timely allowance of the pending claims. The preceding arguments are based only on the arguments in the Office Action, and therefore do not address patentable aspects of the invention that were not addressed by the Examiner in the Office Action. The claims may include other elements that are not shown, taught, or suggested by the cited art. Accordingly, the preceding argument in favor of patentability is advanced without prejudice to other bases of patentability. Furthermore, the Office Action contains a number of statements reflecting characterizations of the related art and the claims. Regardless of whether any such statement is identified herein, Applicants decline to automatically subscribe to any statement or characterization in the Office Action.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 13-2725.

Respectfully submitted,

Dated: April 27, 2006

By: _____

D. Kent Stier
Reg. No. 50,640

Merchant & Gould
P.O. Box 2903
Minneapolis, Minnesota 55402-9946
Telephone: 404.954.5066

DKS:mdb

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